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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,088	02/06/2004	Colin N. Gunn	16011.1.1	2164

52005 7590 12/19/2006
WORKMAN NYDEGGER / POWER MEASUREMENT
60 E. SOUTH TEMPLE
SUITE 1000
SALT LAKE CITY, UT 84111

EXAMINER

NGUYEN, TUNG X

ART UNIT	PAPER NUMBER
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2829

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/774,088

Applicant(s)

GUNN ET AL.

Examiner

Tung X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-97 and 100-102 is/are allowed.
- 6) ☒ Claim(s) 98 and 99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 98 is rejected under 35 U.S.C. 102(b) as being anticipated by Whyte et al. (u.s.p 4,142,178 heretoeafter Whyte).
3. As to claim 98, Whyte discloses in Figs. 3, an apparatus for mounting coupled with a power line carrying a high AC line voltage (26, 28), the apparatus comprising: a conductive body (102) having a body capacitance (98); a first means (94) connected to said conductive body (102) and operative to be connected to said power line (28) for converting current flow between said power line and said conductive body to a supply of power (col. 7, lines 30-35) at a voltage substantially lower than said high AC line voltage (step-down transformer 20), said current flow resulting form the body capacitance of the conductive body and a voltage of said power line (col. 7, lines 30-35); a second means (100) connected to said supply of power for performing an electronic function (70).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 99 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whyte et al. (u.s.p 4,142,178 heretoeafter Whyte); in view of Kline (u.s.p 6,933,835).

As to claim 99, Whyte discloses in Fig. 3, all of the limitations except for means for monitoring at least one of said high AC line voltage and current flow in said power line. However, Kline discloses in Figs. 5-6, second means (602, 680, 610, 612) comprising means (602, 680) for monitoring at least one of high voltage, and current flow in power line. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify the system of Whyte, and provide the means for monitoring the high voltage or current on the power line, as taught by Kline for determining the consumed power or power usage.

Allowable Subject Matter

6. Claims 1-97, and 100-102 allowed.
7. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 1, 93, the prior art of record does not teach the apparatus and method for mounting on a power line carrying a high AC line voltage particularly defined by characteristic of the power supply comprising at least two input terminals wherein a first of the at least two input terminals coupled to the conductive body and a second of said at least two input terminals operative to be coupled to the power line.

As to claim 99, the prior art of record does not teach the apparatus for mounting on a power line carrying a high AC line voltage particularly defined by characteristic of

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the second means comprising means for monitoring at least one of the high AC line voltage and current flow in the power line.

These features in combination with the other elements of the claim are neither disclosed nor suggested by the prior art of record.

The other claims depend from the claims 1, and 93, they are allowed for the same reasons.

Response to Arguments

8. The RCE filed on 10/12/06 with respect to claims 98-99 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung X. Nguyen whose telephone number is (571) 272-1967. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ha T. Nguyen can be reached on (571) 272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN
12/08/09



HA TRAN NGUYEN
SUPERVISORY PATENT EXAMINER